



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel R. HAYNES et al.

Title: NUCLEIC ACID
IMMUNIZATION

Appl. No.: 09/846,091

Filing Date: 4/30/2001

Examiner: Laurie A. Scheiner

Art Unit: 1648

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on October 3, 2003, which set a one-month period for response.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

- (1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of a Response to Restriction Requirement are enclosed herewith.

- (2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,330.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

06/15/2004 CNGUYEN 00000024 09846091

01 FC:1453

1330.00 OP

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

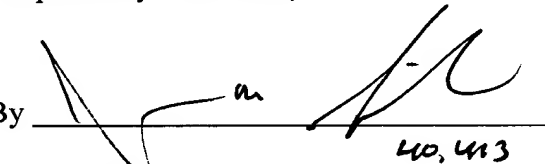
No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date 9 June 2004

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

By


Richard C. Peet
Attorney for Applicant
Registration No. 35,792
410,413